

## Policy Memorandum

From: Dr. Jim Riemann, Assistant Secretary, Kansas Department of Agriculture



Date: September 24, 2012

Re: Anhydrous Ammonia Storage Tanks: Jurisdiction, Approval and 10 year phase out requirements

The Kansas Department of Agriculture (KDA) became aware of certain technical issues related to the continued use of some anhydrous storage tanks. Through their inspection efforts, KDA discovered a group of former rail car tanks that were converted to storage along with some smaller tanks that did not have legible data plates or other tank markings and another group of tanks that were marked with a working pressure less than 250 p.s.i. KDA has worked with the stakeholders to provide a method to approve most of this group of tanks for continued use through the process outlined in this policy memorandum.

In general, businesses and cooperatives should be able to continue these tanks as permanent storage, that are otherwise in compliance with KDA statutes and regulations, if they can meet the following requirements:

1. Provide evidence that a **tank is rated at 250 p.s.i. or greater:**
  - a. The tank is **marked/stamped with a working pressure rating of 250 p.s.i. or greater;** or
  - b. The business or cooperative has **documentation that the tank was or is rated at 250 p.s.i. or greater;** or
  - c. The business or cooperative may have the **tank tested** and provide the documentation that an acceptable test has rated the tank at 250 p.s.i. or greater
2. The business or cooperative **must provide evidence that the tank has been in service** and has not moved, modified or relocated as of or since December 31, 1998; and
3. The tank must be **equipped with safety shutoff equipment** before December 31, 2012 to be certified for continued service in 2013.

**Issue One: Provide evidence that a tank is rated at 250 p.s.i. or greater.**

There are three options for documenting an acceptable pressure rating:

- a. **If Tank is marked / stamped with a working pressure of 250 p.s.i. or above:**

Photographs of tank markings should be submitted to KDA, along with the affidavit, to qualify for continued use of the tank. On the back of the photograph, please provide tank identification information, and a translation of the information on the tank markings. This will assist us in deciphering the information from the photograph.

- b. **If the business or cooperative has documentation that the tank is rated at 250 p.s.i. or greater:**

Provide the documents to KDA.

**c. The business or cooperative may have the tank tested and provide the documentation that an acceptable test has rated the tank at 250 p.s.i. or greater:**

This testing must meet industry standards. Any non-industry approved method or testing variation must be approved by KDA in advance of the test. The business or cooperative must provide the testing documents/results to KDA.

**Issue Two: Providing evidence of placement, without relocation, as of December 31, 1998 or earlier.**

Establishing that the tank has not been moved after December 31, 1998 is critical. That fact determines whether the KDA has jurisdiction or whether a tank is subject to the Kansas Boiler Safety Act administered by the Kansas Dept. of Labor (KDOL). KDOL has authority over all pressurized vessels placed in service or relocated on or after January 1, 1999. Therefore, the KDA program options outlined above do not apply.

The best evidence, obviously, would be original documents contracting for the placement of the tank. However, we understand that many of these tanks were placed into service many years ago, and sometimes paperwork is lost or destroyed.

Documentation showing placement on or before December 31, 1998 can be in the form of an affidavit from someone knowledgeable regarding the tank placement such as a key employee or member, including retired employees. Please note: you will need documentation that the tank has remained placed in that location as well. If the tank was moved after January 1, 1999, KDA does not have jurisdiction.

If you cannot provide documentation that the tank was placed in its current location on or before December 31, 1998, this policy does not apply. The tank falls under DOL jurisdiction.

**Ten year phase out rule: Tanks with less than 250 p.s.i. ratings.**

If a business or cooperative can prove a tank was placed on or before December 31, 1998, but the tank has a working pressure of less than 250 p.s.i. (normally, 200 p.s.i.); that tank must be phased out of service by December 31, 2022. To remain in service during the phase out period, the tank will need to have emergency shut off equipment in place.

**2013 Decals**

It is important that businesses or cooperatives provide documentation under this policy memorandum to KDA in a timely manner so that tanks with decals expiring December 31, 2012, can be renewed to ensure continued use. Year-end is a busy time for the KDA. Please provide the documentation necessary under this policy memorandum to KDA as soon as possible.

For more information, please feel free to contact the KDA Pesticide and Fertilizer Program at:  
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